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P/3578-5

P/1909-142

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of

Scott LANDRESS, et al.

Date: April 18, 2001

Serial No.: 09/757,832

Filed: January 10, 2001

For: SYSTEM AND METHOD FOR CREATING AND COMMUNICATING  
CUSTOMIZED GREETING AND MESSAGE

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Asst. Commissioner of Patents and Trademarks

Washington, DC 20231

Attention: Application Branch

**RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF APPLICATION - FILING DATE GRANTED**

Sir:

In response to the Notice to File Missing Parts of Application - Filing Date Granted, mailed January 10, 2001, it was stated that Applicant must submit \$2528 to complete the basic filing fee and/or small entity statement claiming such status (37 C.F.R. 1.27).

Applicants respectfully disagree. In Applicants' Request to file the U.S. Patent Application on January 10, 2001 (copy enclosed), the Patent and Trademark Office was specifically authorized to charge any additional fees or credit any refund, at any time during the prosecution of this application, to Deposit Account No. 15-0700.

Applicants reiterate the request that the basic filing fee of \$2528 be charged to Deposit Account No. 15-0700.

Applicants respectfully submit that the Patent and Trademark Office should have timely charged the above identified Deposit Account and request that the claim for the late filing fee surcharge of \$130 under 37 CFR 1.16(e) be withdrawn.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on April 18, 2001:

Respectfully submitted,

Michael J. Scheer

Registration No.: 34,425

OSTROLENK, FABER, GERB &amp; SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

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April 18, 2001

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Date of Signature

MJS:mtb



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Asst. Commissioner for Patents

Washington, DC 20231

OGFS File No. : P/3578-5

Inventor : Scott Landress, et al.

Title : SYSTEM AND METHOD FOR CREATING AND COMMUNICATING  
CUSTOMIZED GREETING AND MESSAGE

Assignee : Spoovy, LLC

Enclosed herewith please find the following documents in the above-identified application for United States Letters Patent:

Print EFS Data Sheet

68 Pages of Specification including Abstract and Claims

Numbered Claims Calculated as 96 Claims for Fee Purposes

16 Sheets of Drawing Containing Figures 1 to 12. (Formal/ 2 sets)

Declaration and Power of Attorney (signed)

Priority is Claimed under 35 U.S.C. §119:

Convention Date 11 January 2000 for U.S. Appln. S.N. 60/175,521;

Convention Date 12 April 2000 for U.S. Appln. S.N. 60/196,404

Return-Addressed Post Card

OGFS Check No.       , which includes the fee of \$       , calculated as follows:

Basic Filing Fee: . . . . . \$ 710.00

Additional Filing Fees:

Total Number of Claims in Excess of 20, 76 times \$18: . . . \$1,368.00

Number of Independent Claims in Excess of 3, 4 times \$80: \$ 320.00

One or More Multiple Dependent Claims: Total \$270. . . . .

Total Filing Fees or . . . . . \$2,398.00

Total Filing Fee Reduced 50% for Small Entity: . . . . .

Assignment Recording Fee: \$40 . . . . .

TOTAL Filing Fee and Assignment Recording Fee: . . . . . \$2,398.00

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed, or if any additional fee during the prosecution of this case is not paid, the Patent and Trademark Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

#### EXPRESS MAIL CERTIFICATE

Respectfully submitted,

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label #EL583737815US) in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231, on January 10, 2001:

Michael J. Scheer  
Name of Person Mailing Correspondence

\_\_\_\_\_  
Michael J. Scheer  
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\_\_\_\_\_  
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January 10, 2001  
\_\_\_\_\_  
Date of Signature



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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/757,832	01/10/2001	Scott Landress	P/3578-5

**CONFIRMATION NO. 8231**

000002352  
OSTROLENK FABER GERB & SOFFEN  
1180 AVENUE OF THE AMERICAS  
NEW YORK, NY 100368403

**FORMALITIES LETTER**



\*OC00000005793123\*

Date Mailed: 02/23/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

04/25/2001 BNGUYEN1 00000161 150700 09757832

**FILED UNDER 37 CFR 1.53(b)**

01 FC:105	130.00 CH
02 FC:101	710.00 CH
03 FC:103	1368.00 CH
04 FC:102	320.00 CH

***Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$1688.
  - \$1368 for 76 total claims over 20.
  - \$320 for 4 independent claims over 3 .
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 2528.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);



*Man*  
*\_\_\_\_\_*  
*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY